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February 27, 2008

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VIA FAX

United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

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DATE FILED: <u>2-29-08</u>

U.S. DISTRICT JUDGE
S.D.N.Y.

Attn: Honorable Harold Baer
United States District Judge

Re: Pearline Liburd v. Bronx-Lebanon Hospital Center
SDNY Index No. : 07 CV 11316
Our File No. : 08981.00035

Dear Judge Baer:

We represent the defendants in the captioned matter and are writing to amend our proposed briefing schedule dated February 26, 2008. This amendment is being made on the consent of both parties. We respectfully request that the Court approve the following amended proposed briefing schedule for the filing of defendants' Rule 12(b) (6) motion to dismiss.¹

- Defendants' Rule 12(b) (6) motion to dismiss shall be served on or before March 11, 2008;
- Plaintiff's opposition to same is due on or before April 15, 2008; and,
- Defendants' reply is due on or before April 29, 2008.
- Defendants shall file the fully briefed motion by ECF on or before April 29, 2008, with courtesy copies of same to the Honorable Judge Baer.

¹ As per the parties' signed waivers of service of the summons, defendants' answer to plaintiff's complaint would have been due on March 3, 2008.

We are respectfully requesting that the Court "so Order" this briefing schedule.
Thank you for your consideration in this matter.

Very truly yours,

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP

Nancy V. Wright
Nancy V. Wright

NVW/ev

cc: Via fax

Gregory G. Smith, Esq.
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Attorneys for Plaintiff
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2/20 0 2/27/08

Endorsement:

While this time line for your motion to dismiss is fine it must be in concert with a broader PTSO - I have forwarded to you a PTC notice for March 20 at 3 PM when we can find out something about the case and you will have filled out the PTSO attached to the PTC notice. Keep in mind that motions to dismiss indeed most any motions save security fraud cases do not hold up discovery. See you on 3/20.